


19. 7. 2007

**REPORT BY THE CHAIRPERSON OF THE
FENDALTON/WAIMAIRI COMMUNITY BOARD**

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. DISPOSAL OF REDUNDANT SERVICE LANE – CLYDE ROAD SERVICE LANE



General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport and Greenspace Manager
Author:	Weng-Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to declare the existing service lane on Clyde Road (an area of 158m²) surplus to roading requirements and to proceed by way of consent to stop a portion of service lane as shown in **Attachment 1** pursuant to the provisions of section 6, 117(1) and 120(3) of the Public Works Act 1981. This report was considered by the Fendalton/Waimairi Community Board at its meeting on 10 July 2007.

EXECUTIVE SUMMARY

2. The redevelopment carried out to Fendalton Village Shopping Centre in 1995 has rendered the service lane on Clyde Road redundant for access to the site.
3. The only access onto the site from Clyde Road permitted for the development was approximately 20 metres south of the service lane and the area designated as service lane was included in the carpark layout. The development site is shown on **Attachment 2**.
4. The design of the parking layout and access onto Clyde Road has worked satisfactorily and there is no requirement for the Council to continue allowing public space to be used for the development.
5. The Council as owner of the land has not formally resolved to declare this area of the service lane as surplus to roading requirements and commence the road stopping procedure.
6. Staff have concluded the negotiation with Rock Kwon Limited (owner of the shopping centre), for the sale of the redundant service lane subject to the Council's approval to commence the road stopping procedure.

FINANCIAL IMPLICATIONS

7. The Council will incur costs associated with the road stopping procedure. This cost is estimated to be \$5,000 and is budgeted for in the Capital Programme Subdivision Code 542/137.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Yes see above.

LEGAL CONSIDERATIONS

9. Staff have recommended the use of the Public Works Act 1981 for the road stopping procedure.
10. Section 116 Public Works Act 1981 – Stopping Roads provides:

“Subject to the written consent of the territorial authority and the owner(s) of the land adjoining the road, then the road can be declared formally stopped by notice in the gazette.”

1 Cont'd

11. There will be no loss of public access to this section of service lane.
12. Section 117 (1) Public Works Act 1981 – dealing with stopped roads provides:
“The Council may deal with road stopped under the Act in the same manner as if the road has been stopped pursuant to the Local Government Act 1974.”
13. The parcel of “stopped road” in this case “service lane” will be transferred to Rock Kwon Limited (owner of Fendalton Village Shopping Centre).

Have you considered the legal implications of the issue under consideration?

14. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. LTCCP page 152 “Streets and Transport Objectives” – to provide a sustainable network of streets connecting the main traffic routes with properties while contributing to the liveable environment.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

16. Yes.

ALIGNMENT WITH STRATEGIES

17. This action is consistent with the Traffic Objectives stated in the City Plan.

Do the recommendations align with the Council’s strategies?

18. Yes.

CONSULTATION FULFILMENT

19. Not required.

STAFF RECOMMENDATION

That the Board recommends that the Council:

- (a) Declare the existing service lane as shown in **Attachment 1** surplus to the Council's requirements.
- (b) Pursuant to Sections 116 (1), 117 (3) (b) and 120 (3) of the Public Works Act 1981 resolves to stop that parcel of service lane as described in the following schedule and to amalgamate that parcel with the adjoining property.

Schedule:

<u>Being</u>	<u>Adjoining</u>	<u>Title Reference</u>	<u>Area</u>
Section 1	Lot 2 DP 23933	CB 9B/1407	158m ²

BOARD RECOMMENDATION

That the staff recommendation be adopted.

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BACKGROUND (THE ISSUES)

20. Prior to 1995, this service lane served a neighbourhood shopping strip along Clyde Road. This was typical in many of the city neighbourhood shopping strips developed prior to 1970.
21. In October 1995 resource consent was granted for the redevelopment of the entire Business 2 zone at the southeast corner of the intersection of Ilam and Clyde Roads. This resource consent approved the access from Clyde Road 20m south of the service lane and hence rendered the service lane redundant. The developed site is as shown on Attachment 2.
22. The redundant service lane was incorporated into the design of the carpark layout. This service lane has no impact on the roading network. The carpark has served the development well and no legal issues regarding the right of access from the service lane to Clyde Road have been raised. There was also no requirement for the Council to provide car parking for this development.
23. The Council's ownership of this parcel of service lane was raised with owners of the shopping centre but owing to the ownership changes over the years, this matter did not progress.
24. Negotiations with the current owner of the shopping centre has been completed and based on the assessment by the Council's appointed valuer the land is valued at \$71,000 plus GST.